

REMARKS

Claims 1-40 are pending in the application and these same claims stand rejected. Applicants herein amend claims 1, 2, 5, 6, 8, 11, 12, 20, 21, 22, and 31. No new matter has been added. Further review and consideration is respectfully requested in few of the claim amendments and following remarks.

Summary of Examiner Interview

On August 11, 2008 the undersigned and Applicants' representative Attorney Matt Dyor (Registration No. 45,278) conducted an in person interview with Examiner Janakiraman and Examiner Cabrera. During the interview claim 1 was discussed in view of the art of record. Applicants agreed to clarify the language of claim 1. No agreement as to the allowability of the claims was reached.

Claim Objections

Claims 7-9 are objected to for various informalities. Applicants have amended claims 7-9. Accordingly, Applicants respectfully submit that the objections are overcome.

Claim Rejections – 35 U.S.C. § 101

Claims 1-10 stand rejected as allegedly directed towards non-statutory subject matter. Applicants have amended claim 1 to recite “selecting an operating mode to service the request; and executing an instruction in accordance with the selected operating mode.” Applicants respectfully submit that amended claim 1 recites operations that provide a useful concrete and tangible result. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 1-10.

Claim Rejections 35 – U.S.C. § 103(a)

Claims 1-40 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,548,783 to Jones in view of U.S. Patent Publication No. 2003/0061497 to Zimmer.

Claim 1

Amended claim 1 recites in part:

configuring emulated hardware components of the emulated specific hardware device, a processor requiring a *first amount of cycles to emulate the hardware components of the emulated specific hardware device*, and a second mode comprising an idealized mode, the idealized mode configured to send input/output instructions from a guest operating system to a host operating system, the *processor requiring a second amount of cycles to send the input/output instructions*, the *second amount of cycles lower than the first*. (Emphasis added).

Applicants respectfully submit that the emphasized subject matter is absent from the art of record. The Office Action equates ‘idealized virtualization’ with ‘high-performance mode’ and states that since Jones discloses a high performance mode, a mode that is designed to work with a real drive, it is equivalent to a virtual device that is optimized for a virtualized environment. (Office Action at p. 4). Applicants disagree with the Examiner’s characterization of claim 1. According to Jones, the ‘high performance’ mode is designed to attain increased storage device performance. (Jones at col. 9; lines 19-35). Nothing in Jones states that the high performance mode is associated with virtualizing or has increased processor utilization vis a vis an emulation mode. In contrast when the bimodal device of claim 1 is operating in an idealized mode it is optimized for a virtual machine environment, that is, the idealized mode requires less processor cycles than the emulation mode. Zimmer was cited as disclosing a virtual device, and fails to describe the subject matter of claim 1. Accordingly, for at least these reasons Applicants respectfully request reconsideration of the rejection of claim 1.

Insomuch as claims 2-10 depend directly or indirectly from claim 1 they too patentably define over the cited art for at least similar reasons as claim 1. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 2-10.

DOCKET NO.: MVIR-0100/305423.01
Application No.: 10/734,450
Office Action Dated: May 28, 2008

PATENT

Independent claims 11, 21, and 31 recite similar subject matter as claim 1 and define over the cited art for at least similar reasons as claims 1. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 11, 21, and 31.

Insomuch as claims 12-20, 22-30, and 32-40 depend directly or indirectly from independent claims 11, 21, or 31 they too patentably define over the cited art for at least similar reasons as claims 11, 21, and 31. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 12-20, 22-30, and 32-40.

CONCLUSION

Applicant believes that the present remarks are responsive to each of the points raised by the examiner in the official action, and submits that the claims of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner's earliest convenience is earnestly solicited.

Date: October 15, 2008

/David M. Platz/
David M. Platz
Registration No. 60,013

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439